IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 4TH JANUARY 2007 / 14TH POUSHA, 1928

Bail Appl..No. 7769 of 2006()

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CRIME NO.351/06 OF SHO, MATTANNUR POLICE STATION.

PETITIONER

NISHANTH K.K., S/O.BALAN,
AGED 24 YEARS, GOVINDA BHAVAN,
KEEZHALLUR AMSOM, EDAYANNUR DESOM P.O.,
EDAYANNUR, THALASSERY TALUK, KANNUR DISTRICT.

BY ADV. SRI.C.K.SREEJITH

RESPONDENTS:
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1. S.H.O. MATTANNUR POLICE STATION.

2. THE STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 04/01/2007,THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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BAIL APPLICATION NO.7769 OF 2006

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DATED THIS THE 4th DAY OF JANUARY, 2007

O R D E R

In this petition filed under Section 438 Cr.P.C., petitioner who is the second accused in Crime No.351/06 of Mattannur Police Station for offences punishable under sections 457 and 435 read with section 34 IPC, seeks anticipatory bail.

2. Learned Public Prosecutor opposed the application.

3. The case of the prosecution is that on 4.12.2006 at about 10 PM, the first accused and the petitioner herein had criminally trespassed into the rented quarters of the de facto complainant by breaking open the lock and destroyed articles kept therein by setting fire to them including a bag in which cash worth Rs.19,700/= was kept.

4. Anticipatory bail cannot be granted in a case of this nature. There is no reason why the petitioner should not surrender before the Magistrate concerned and seek regular bail. Accordingly, if the petitioner surrenders before the Magistrate concerned and files an application for regular bail, within 10 days from today, the same shall be considered and disposed of, preferably on the same date on which it is filed.

With this direction, this petition is disposed of.

V.RAMKUMAR, JUDGE

dsn